

THE LAW OF THE REPUBLIC TAJIKISTAN

**“On Government Procurement of Goods, Works and Services”**

The Present law establishes general legal and economical principles of the **government proc Wo**

the purchase agreement , if the cost of these services does not exceed the cost of the building itself;

- k) “tender” - offer for delivery of goods, services, carrying out works in course of the auction;
- l) “goods” - products of labor, of any kind and description including raw materials, makings, equipment and subjects in solid, liquid and gas condition, electric power as well as services accompanying delivery of goods, if the cost of services is not h019 Tw -1.16.3(id)Le00089( )5.1()7TD0 Tc.07“ga5d 6p

In case the decision is made on the imposition of limitations on the basis of the rules of origin all obligations, specified in the international agreements of the Republic Tajikistan shall be taken into account.

Local and foreign suppliers shall be accorded equal opportunities in relation to the participation in the government procurement in accordance with the provisions of the present Law.

#### **Article 5** Conditions for excluding from participation in the government procurement

Decision on excluding the candidates from the participation in the government procurement is made in following cases:

- a) suppliers (contractors) did not fulfill appropriately at least one agreement on government procurement during the preceding three years;
- b) suppliers (contractors) are in the process of bankruptcy or have been declared bankrupts;
- c) suppliers (contractors) have tax debts, debts to the fund of social insurance, or debts in relation to other mandatory payments;

#### **Article 6** Restrictions introduced by the present Law

State officials of the Republic Tajikistan are prohibited to act as suppliers in course of the government procurement regulated by the present law. Government procurement agreements cannot be concluded between such officials and institutions with which the respective officials cooperate or of which they are representatives or members of the managing board.

In the following cases it is prohibited to a person to represent a purchasing organization, fulfill other responsibilities with regard to the procurement or act as a consultant in connection with procurement procedures, if:

- a)

- b) they shall not be insolvent, bankrupt, their property shall not be under legal control, their commercial activity shall not be suspended, they shall not be under legal trial;
- c) their obligations on payment of taxes and other mandatory payments in the Republic of Tajikistan must be fulfilled;
- d) they themselves and their managers or employees shall not be condemned for any criminal case connected with their professional activity, or related to the false information or perverting the facts and misleading regarding their qualification with the purpose to conclude the procurement agreement during 5 years preceding the procurement;
- e) they must be authorized to conclude the procurement agreements.

Considering the right of suppliers to protect their intellectual property or commercial secrets, the procuring organization may demand from suppliers, who participate in the procurement procedures, to present documentary proofs or other information to ensure, that suppliers possess the qualification corresponding to the criteria, specified in the first part of this article.

Qualification demands, established in accordance with the present article, are set in the pre-qualification documents (in case of pre-qualification procedures) as well as tender documentation and other documentation related to the proposals, offers and quotes.

Regulation about pre-qualification procedures shall be approved by the authorized body.

A purchasing organization shall not set criteria, requirements or procedures, which discriminate against suppliers (contractors) except cases, specified in the Article 4 of the present law.



at the wish of the candidate - on any preliminary stage;  
as a consequence of not meeting preliminary qualification criteria;  
in the case of the violation by the candidate of the present Law or terms of the tender;

Candidate has the right to:

obtain the information from the tender commission on tender terms and procedures for the government procurement;  
apply to the procuring organization, organizer of the auction or the tender commission with the request to defer the presentation of the offer in the written form. The deferral decision is taken by the procuring organization.

For the participation in the auction the candidate has to present a request for the participation in the auction, a copy of the payment document, which confirms availability of the guarantee securing the tender request (in case, if it is specified in the tender documents).

#### **Article 12** An offeror

Starting the registration of the offer a candidate gets the status of an offeror.

The winner of the auction has the right to conclude agreements with the procuring organization on terms, specified in his offer, which is drawn in accordance with tender documents.

#### **Article 13** Methods of government procurement



## **Article 18** Suspending of the procurement procedures

Timely lodging of a complaint in accordance with the articles 16-17 of the present law suspends procurement procedures for 10 days if the complaint is well-grounded and contains the confirmation of the fact that the supplier (contractor) will suffer damage in case if procurement procedures are not suspended; if the decision about suspending will not cause essential damage to the procuring organization or to other suppliers (contractors), the complaint might be satisfied.

If the agreement is concluded, the timely lodging of a complaint in accordance with article 19 of the present law suspends the fulfillment of such agreement for 10 days, if the complaint meets the requirements specified in the part 1 of the present article.

The authorized body has the right to prolong the term of suspension, specified in the first and second parts of the present article, with the aim to secure rights of the supplier (contractor), who lodged a complaint or brought a suit, until the completion of the appeal procedures, if the total term of suspension does not exceed 30 days.

Suspension, specified in the present article, cannot be used if the procuring organization in coordination with the authorized body declares that public interests demand continuation of the procurement. A statement of the procuring organization, which contains a substantiation of demands to continue the procurement, shall be attached to the procurement protocol and shall be subject to the appeal in a court.

Any decision, made by the procuring organization in accordance with the present article and which contains its substantiation shall be attached to the protocol about procuring procedures.

## **Article 19** Legal appeal

Disagreements between suppliers (contractors) and the procuring organization, that arose in course of implementation of the procurement procedures, as well as decisions of procuring organization and the authorized body, taken in accordance with the articles 18-10 of the present law, can be appealed in the order, specified in the legislation of the Republic Tajikistan.

## **Article 20** International obligations of the Republic Tajikistan

If the rules of an international agreement of the Republic Tajikistan contradict to the rules of the present law or subordinate legislation the rules of international agreement shall prevail.

President of the  
Republic Tajikistan  
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No. 511

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